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SAN BERNARDINO AND SAMUEL
7 FULLER

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

10
11 GALE SOSTEK; and HERB SOSTEK,

12 Plaintiffs,

13 vs.

14 COUNTY OF SAN BERNARDINO;
and DOES 1-10, inclusive,

15 Defendants.
16

Case No. 5:23-cv-02236-MRA (MRWx)

**DEFENDANTS' REQUEST FOR
JUDICIAL NOTICE**

Trial Date: January 28, 2025

17 **TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF**
18 **RECORD:**

19 Defendants the COUNTY OF SAN BERNARDINO, and SAMUEL FULLER
20 ("Defendants") hereby request that, pursuant to Federal Rules of Evidence, Rule 201,
21 this court take judicial notice of the following federal court records, in support of their
22 Motion to Stay Proceedings against Plaintiffs GALE SOSTEK and HERB SOSTEK
23 ("Plaintiffs").

24 1. A screenshot of the California Department of Justice's website showing
25 that the DOJ has an ongoing investigation involving Deputy Fuller and the lethal force
26 encounter that is the subject of this civil action, a true and correct copy of which is
27 attached hereto as **Exhibit 1**

28 2. The Parties' Joint Case Management Statement in this Action previously

1 filed as Docket Number 36 on March 18, 2024.

2 Federal Rule of Evidence 201(b) permits judicial notice of facts “not subject to
3 reasonable dispute” in that they are either “(1) generally known within the territorial
4 jurisdiction or the trial court or (2) capable of accurate and ready determination by
5 resort to sources whose accuracy cannot reasonably be questioned.” Fed.R.Evid.
6 201(b).

7 Specifically, a court may take judicial notice of the authenticity and existence
8 of a particular order, motion or pleading. *See U.S. v. Southern California Edison Co.*,
9 300 F.Supp.2d 964, 974 (E.D.Cal. 2004). A federal court may also take judicial
10 notice of orders made in a state court proceeding. *See Miles v. California*, 320 F.3d
11 986, 987 n.1 (9th Cir. 2003).

12 Based on the foregoing, Defendants respectfully that the Court should consent
13 to take judicial notice of the matters referenced above.

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15 DATED: April 3, 2024

WESIERSKI & ZUREK LLP

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18 By:



19 MICHELLE R. PRESCOTT
20 Attorneys for Defendant, COUNTY OF
21 SAN BERNARDINO
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